

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

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|--------------------------|---|---------------------|
| RASHAD JACOX, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | No. 12-2337-JDT/dkv |
| |) | |
| CITY OF MEMPHIS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE ON DEFENDANT COLE'S
SUPPLEMENTAL MOTION TO DISMISS

Plaintiff Rashad Jacox filed a pro se complaint pursuant to 42 U.S.C. § 1983 and paid the filing fee. On February 1, 2013, the court entered an order of partial dismissal and order to effect service of process on Defendants D. Wilkins and J. Cole. Defendant Cole filed a motion to dismiss [DE# 21]. On August 29, 2013, the court adopted Magistrate Judge Diane K. Vescovo's report and recommendation on Defendant's motion [DE# 29]. The motion to dismiss was granted as to Plaintiff's First and Fifth Amendment claims, and those claims were dismissed. Plaintiff's claim under the Fourteenth Amendment was treated as a claim under the Fourth Amendment, and the Fourteenth Amendment claim was also dismissed. In all other aspects, Defendant Cole's motion was denied.

On September 6, 2013, Defendant Cole filed a supplemental motion to dismiss [DE# 31], contending that all claims against him are barred by the applicable statute of limitations. On October 17, 2013, Magistrate Judge Vescovo recommended that the motion be granted

and that Defendant Cole be dismissed from this action [DE# 35]. No objections have been filed by Plaintiff.

Having carefully reviewed the record and the controlling case law, the court agrees with Magistrate Judge Vescovo's decision. Because she thoroughly explained her decision and because an issuance of a more detailed written opinion would be unnecessarily duplicative and would not enhance this court's jurisprudence, the court ADOPTS the report and recommendation of Magistrate Judge Vescovo for the reasons set forth in her order.

Accordingly, Defendant Cole's supplement motion to dismiss is GRANTED, and Defendant Cole is hereby DISMISSED as a defendant.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE